

UNITED STATES DISTRICT COURT
for the
WESTERN DISTRICT OF TEXAS

MICHAEL THOMAS PAUL
Plaintiff

V.

CITY OF SAN ANTONIO
acting by and through the
CITY PUBLIC SERVICE BOARD (CPS ENERGY)
Defendant

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PLAINTIFF DEMANDS TRIAL BY JURY

SA15CA0173 DAE

COMPLAINT FOR PRELIMINARY INJUNCTION AND RELIEF

The plaintiff, Michael T. Paul, files this complaint against the City Of San Antonio ACTING BY AND THROUGH THE CITY PUBLIC SERVICE BOARD, ("CPS Energy, CPS, or the Defendant".)

I. NATURE OF THE ACTION

1. The Defendant has rushed forward with the installation of so called "smart meters" throughout their entire service area, despite serious security and privacy concerns, some of which involve apparent constitutional and statutory violations.
2. The Plaintiff seeks a judgment requiring the Defendant to cease all smart meter installations until satisfactory alternative options for all CPS members are made available.
3. The requested preliminary injunction is urgently needed to prevent potential injury to hundreds of thousands of other individuals residing within the CPS service area, as the plaintiff has been injured, and the Plaintiff has brought this action accordingly.

II. JURISDICTION AND VENUE

4. This action raises several questions under Fourth and Fifth and Fourteenth Amendments to the United States Constitution, as well as multiple issues under federal statute.
5. The Court has subject matter jurisdiction over these federal claims pursuant to 28 U.S.C. 1331 and 1343. 6. This Court has personal jurisdiction over all parties hereto because they are all residents of Texas and conduct their activities in Texas.
6. Venue is proper under U.S.C. 1391 in the Western District of Texas, because a substantial part of the events giving rise to the subject claims arose in this district.

III. PARTIES

7. Plaintiff resides in the state of Texas. Plaintiff is a customer of, and receives electrical service from, CPS, and as such has suffered the forced installation of a smart meter at residence absent the state Legislatures opportunity to OPT OUT.
8. Defendant, having a main office in San Antonio is a corporation incorporated under the laws of Texas and is licensed to do business in Texas. Defendant, City of San Antonio by and through the CITY PUBLIC SERVICE BOARD ("CPS Energy, CPS"), is a not-for-profit generation, transmission and distribution Utility controlled by the CPS Board and city council and the Mayor of San Antonio for the customers it serves. Headquartered in San Antonio Texas, the Utility Company currently serves more than 765,000 electric customers and 335,000 natural gas customers in a 1,515-square-mile service

area that includes Bexar county, and portions of Atascosa, Bandera, Comal, Guadalupe, Kendall, Medina, and Wilson counties in and around the seventh largest city in the nation.

IV. FACTUAL BACKGROUND

9. San Antonio is located in Texas, and is home to approximately 1,409,019 residents.
10. With very few exceptions, all residents and commercial enterprises receive electrical service from CPS.
11. CPS is Municipality owned but still follows limited regulatory oversight of the Texas Public Utilities Commission regarding only specific issues of grid reliability everything else they are self regulating and have no oversight.
12. The CPS Energy Board of Trustees, in accordance with bond ordinances, governs the natural gas and electric utility. The Board consists of four citizens representing the four geographical quadrants of the city of San Antonio and the mayor of San Antonio who serves as an ex-officio member. Trustees must reside within the CPS Energy quadrant that they represent. Board members serve for a term of five years and are eligible to serve an additional term.

Nora W. Chávez

Chair

13. Nora W. Chávez is Managing Director of Texas Public Finance group for Stifel Nicolaus & Company, Inc. in San Antonio. She represents the northeast quadrant of CPS Energy's service area. Chávez has extensive experience with Texas municipal finances and has worked in the financial services industry since 1979.

Edward Kelley

Vice Chair

14. Edward Kelley represents the northwest quadrant of CPS Energy's service area. Kelley served as President and CEO of USAA Real Estate before retiring in 2005 after 17 years of service. The San Antonio native brings decades of management, investment and real estate experience and is an active member of several community organizations.

Dr. Homer Guevara

Trustee

15. Dr. Homer Guevara, an economics professor at Northwest Vista College, represents the southwestern quadrant of CPS Energy's service territory. He joined the Northwest Vista College faculty in 2001 before becoming chairman of the college's business and government department.

Derrick Howard

Trustee

16. Derrick Howard represents the southeast quadrant of the CPS Energy service area. As executive director of Freeman Coliseum, Howard oversees contracts, manages budgets and monitors capital improvement projects at the facility.

Mayor Ivy R. Taylor

Trustee and Ex-Officio Member

17. Mayor Ivy R. Taylor, as current mayor of San Antonio, serves an ex-officio member of the Board of Trustees. She will remain on the Board

through her current mayoral term. While the Board of Trustees ultimately provides oversight of CPS Energy, the continued performance and prosperity of the utility lies with our senior executive team and staff. CPS Energy, under the leadership of the Chief Executive Officer, follows resolutions and policy decisions made by the Board and provides Trustees with timely and accurate information to allow them to make sound decisions for the utility.

Doyle N. Beneby

President and Chief Executive Officer

18. Doyle N. Beneby is President and Chief Executive Officer for CPS Energy, the largest municipal electric and gas utility in the nation. A veteran of the energy industry with over 30 years of experience, Doyle has expertise in many facets of the electric & gas utility industry including strategic planning, power generation & delivery operations and asset acquisition.

A. CPS Smart Grid Project

19. The American Recovery and Reinvestment Act of 2009, signed by Barack Obama in February, 2009, provided the U.S. Department of Energy, (the "DOE") with approximately \$4.5 billion of federal tax dollars to modernize the electric power grid. Of this funding, \$3.4 billion went into the Smart Grid Investment Grant Program ("SGIG") for the purpose of funding competitively selected projects across the country. CPS is receiving DOE money for its smart grid project.

Donna L. Nelson, Chairman

Public Utility Commission of Texas

1701N.CongressAve, Austin, TX 78711-3326

General Information: 512-936-7015

Email: donna.nelson@puc.texas.gov

20. The Public Utilities Commission, Texas (PUC) Chairman. Donna

L. Nelson was appointed by Governor Rick Perry to the Public Utility Commission on August 15, 2008 and named chairman on July 26, 2011. Prior to her appointment, Nelson served as a special assistant and advisor to Governor Perry on energy and telecommunication issues. She also assisted the Governor's Competitiveness Council with the preparation of the Texas 2008 State Energy Plan. She previously served as director of the PUC's telecommunications section and as legal advisor to the PUC chairman.

Nelson sits on the Board of the Electric Reliability Council of Texas and is a member of the Southwest Power Pool Regional State Committee. She is active with the National Association of Regulatory Utility Commissioners, where she is a member of the Committee on Energy Resources and the Environment and the Task Force on Environmental Regulation and Generation. Nelson is a member of the Texas Bioenergy Policy Council and the Texas Broadband Task Force despite the overwhelming scientific and empirical evidence that these wireless technologies are harmful to humans. She is also on the Advisory Board of the Annual Baseline Assessment of Choice in Canada and the United States (ABACCUS)

Additionally, Nelson is a former assistant attorney general of Texas, where she specialized in antitrust law. She also worked as a Legislative Assistant to a United States Senator. Nelson is a licensed attorney and a past member of the Texas Council on Autism and Pervasive Developmental Delays.

Nelson received a bachelor's degree from Black Hills State College and a law degree from Texas Tech University as such should have known that these devices trample on the very freedoms we hold dear in the protections afforded us by the U.S. Constitution and Bill of Rights.

The State of Texas

1300 N Congress, Austin, TX 78701

<http://www.capitol.state.tx.us>

21. The "State" of Texas is named as a separate defendant, as distinguished from Defendant PUCT. Thus, we include any other agencies, such as the Texas Commission on environmental quality and the Texas Health and Human Services Commission, which are commissioned to work in tandem with PUCT, and should have stepped in to prevent the gross negligence and mitigate the Plaintiff's injuries and damages. Defendant State remains liable for the misconduct of all of its agencies (including Defendant PUCT) and employees (including Defendant's Nelson, and Beneby), whether or not they are specifically or separately named herein.

Greg Abbott Governor of Texas prior
Attorney General State of Texas
300 W. 15th Street Austin, TX 78701
(512) 463-2100

<https://www.texasattorneygeneral.gov/>

22. Governor "Abbott" as Attorney General is named as a Defendant in his official capacity. According to his website at the time of this occurrence: "The Attorney General represents the people of Texas in civil and criminal matters....In addition, the Attorney General establishes and operates projects and programs to protect Texans from fraudulent, unfair, and illegal activities that victimize consumers or threaten public safety."

The Office of the Attorney General has taken on numerous other roles through the years. Texas statutes contain nearly 2000 references to the Attorney General. In addition to its constitutionally prescribed duties, the Office of the Attorney General files civil suits upon referral by other state agencies. In some circumstances, the Attorney General has original jurisdiction to prosecute violations of the law, but in most cases, criminal prosecutions by the Attorney General are initiated only upon the request of a local prosecutor. Although the Attorney General is prohibited from offering legal advice or representing private individuals, he serves and **protects the rights of all citizens of Texas** through the activities of the various divisions of the agencies. Actions that benefit all citizens of this state include enforcement of health, safety and consumer regulations; educational outreach programs and **protection of the rights of the elderly and disabled**. The Attorney General is also charged with the collection of court-ordered child support and the administration of the Crime Victims' Compensation Fund.

Electricity:

23. In Texas there are three major types of electricity providers: cities, cooperatives and private companies. If a city provides your power, you can contact them with any concerns you have regarding service or billing. Municipally owned electric companies typically are not overseen by state regulators. Likewise if you belong to an electric cooperative, you can contact the administrators of the co-op with your concerns. Because co-ops are member-owned, their customers typically need to resolve disputes through the co-op. If you have a billing dispute that the co-op does not resolve, you may wish to file a consumer complaint with our office. If you have questions or concerns about a private electricity provider, you can contact the Public Utility Commission (PUC). The PUC oversees electric provider companies and may be able to assist you. If you have a billing dispute, you can also file a consumer complaint with our office.

For more information about municipal electric companies and co-ops as well as a breakdown of the taxes, fees and charges on your electric bill, visit the PUC and the Office of the Public Utility Counsel (OPC) websites. The OPC provides representation to residential and small commercial consumers.

The Office of Public Utility Counsel (OPUC) represents residential and small commercial electric, telephone and water consumers in utility matters that come before the Public Utility Commission (PUC), the Electric Reliability Council of Texas (ERCOT), the Federal Energy Regulatory Commission (FERC), the Federal Communications Commission (FCC)

and in state and federal courts to ensure that just and reasonable rates and reliable and capable services are available to them in an increasingly competitive environment. **OPUC does not, however, generally represent individual consumers or provide individual legal advice.**

OPUC does provide information and assistance and directs individuals to the appropriate agency when necessary. **If you have a problem with a utility, you should first make the utility aware of your complaint and give them an opportunity to address your concerns.** If you are **not satisfied with the utility's decision,** you should **file a complaint with the proper regulatory agency.**

Electric, Local Telephone and Water Utility Complaints

To file a complaint about your electric, local telephone or water service provider you can: **Call the Consumer Protection Division of the PUC at:**

1-888-782-8477 or in Austin 512-936-7120 (TTY 1-800-735-2988)

or **Go to the PUC's website and file a complaint online**

at: **<http://www.puc.state.tx.us/consumer/complaint/Complaint.aspx>,**

Or by email: **customer@puc.texas.gov,**

Or by fax: 512-936-7003,

Or by mail to:

PUC - Consumer Protection

P.O. Box 13326

Austin, TX 78711-3326.

The complaint should include the following information:

- Your name, address and telephone number.
- Company's name, address and telephone number.
- Account number, if any.
- An explanation of the facts and the specific resolution you are seeking.
- Any documentation to support your complaint, such as a copy of the bill.

There is no time limit on filing a complaint, but be sure to do it as soon as possible, with all available documentation. The longer you wait, the more difficult it could be to resolve the problem. **If your problem is still unresolved** after you have filed a complaint with your utility and the PUC, or you have additional questions, **you may contact OPUC:**

By phone: 512-936-7500,

By Fax: 512-936-7525,

By e-mail: customer@opuc.texas.gov.

Please make sure to provide OPUC with the same information provided to the PUC's Consumer Protection Division.

Itron, Inc.

2111 North Molter Road Liberty Lake, WA 99019-9469

(509) 924-9900

<https://www.itron.com>

24. Itron, Inc. is a Washington state corporation with operations spanning

around the globe, including several offices in California. The address

listed above is Itron's headquarters. The website reads: "Itron is a global

technology company. We build solutions that help utilities measure, analyze, and manage energy and water. Our broad product portfolio includes electricity, gas, water, and thermal energy measurement and control technology; communications systems; software; and professional services. With thousands of employees supporting nearly 8,000 utilities in more than 100 countries, Itron empowers utilities to responsibly and efficiently manage energy and water resources."

General Electric power and water

4200 Wildwood Parkway

Atlanta, GA 30339

(678) 844-5407

<http://www.geenergymanagement.com>

25. Energy Management is GE's electrification business. We make energy safer and more useful through our ability to transmit, distribute and convert electricity. We integrate leading products and technology to solve customer problems. Energy Management's electrical solutions allow utilities and energy-intensive industries such as oil & gas, marine, data centers, metals and mining to efficiently manage electricity from the point of generation to the point of consumption. GE's roots in electrification go back 130 years, beginning with the first transformer and electric motor. Today Energy Management is built upon the same legacy and innovation culture that Thomas Edison founded in 1890. We build technology innovations – critical power equipment, digital monitoring software, electric marine propulsion systems – to help our customers use electric power more efficiently. Our heritage and experience across multiple industries, gives Energy Management a better understanding of our

customers electrical needs. With our I-210™ family of residential, single phase meters and our kV2c™ family of C&I polyphase meters, GE provides a product suite that provides complete smart metering solutions.

Outback Power

17825 59th Ave. NE, Suite B Arlington, WA 98223

(360) 435-6030

<http://www.outbackpower.com/>

26. OutBack Power is a privately held company headquartered in Arlington, WA, and is the leading designer and manufacturer of advanced power electronics for renewable energy, backup power, marine and mobile applications. The company is also a member of The Alpha Group -- a global alliance of independent companies that share a common philosophy: create world-class powering solutions for communication, commercial, industrial and renewable energy markets.

OUR VISION:

To be the first choice in renewable energy power solutions by manufacturing reliable and durable products while building long term relationships with our employees, customers and suppliers.

OUR MISSION:

Provide energy independence through innovative technology.

OUR COMMITMENT:

Set the highest standard for performance, integrity, and professionalism

Provide the best customer service

Deliver only the highest standards of product quality measured by our customer's unconditional satisfaction

Develop innovative and competitive products and services

Listen carefully to all ideas, expectations, and viewpoints

Always do what is right

Assume accountability for our actions

Ensure a safe, clean and injury-free workplace

Maintain a financially healthy company

Devote time and energy to support our local community

V. Verified Complaint

27. Plaintiff is stating the following as violations of U.S. Codes as reason to bring this suit and having filed this complaint in lower state courts that were not answered before limitations has grounds for instant suit and seeks reparations for all damages to equipment, medical costs, extra expenses to replace damaged equipment and the intentional suspension of electric service to a known Disabled occupant for no reason other than retaliation and states the following violations of law:

a.) Breach of contract & Criminal misconduct - Wiretapping United States Code

Title 18. Part 1. Chapter 119. § Sec2511; City of San Antonio CPS Energy and General Electric Power and Water SMART Meter I 210+C power

POINT tracking, second's OF intervals invasion into the home to acquire specific knowledge that could only otherwise be learned by physical presence in same.

- b.) Violation of the United States Constitution, Bill of Rights, 4th Amendment;
General Electric Power and Water SMART Meter I 210+C power POINT tracking second's OF intervals, invasion into the home to acquire specific knowledge that could only otherwise be learned by physical presence in same.
- c.) § 18 U.S. Code § 113- Assault (EMR) Electromagnetic Radiation; General Electric I 210+c Meter and VAR balancing OF FEEDER using OUTBACK POWER SMART Inverter during the night.
- d.) § 18 U.S. Code § 1030 a, 4 & 5c, Fraud and related activity in connection with computers • knowingly causes the transmission of a program, information, code, or commands without authorization, and as a result of such conduct, damages and causes loss over \$5000.00 to a protected computer; SCADA Commanded SMART Inverter built by OUTBACK POWER, General Electric Power and Water SMART Meter I 210+C, SCADA and AMI relay used to track ancillary services, reprogramming of firmware utilizing wifi interface, causing catastrophic failure, leaving occupant with no usable power source and no utility service during winter with temperatures near 0 to 17 Celsius at night.
- e.) United States Code of Federal Regulations Title 21, Volume 8, PART 1010, Subpart A, Sec. § 1010.2 (b) - NO Certification Labels for radiation emitting device as required. Itron meter and General Electric Power and Water SMART Meter I 210+C. Neither of the two SMART meters have the required labeling stating the devices emit microwave radiation.
- f.) Sherman Act, 15 U.S.C. § 2 - Anti Trust- exclusive supply contracts so that a newcomer may not be able to gain the inputs it needs to compete

with the monopolist, the contracts can be seen as an exclusionary tactic in violation of Section 2 of the Sherman Act. CPS Energy has been stated to have "NO OVERSIGHT or REGULATING AUTHORITY" except for themselves and state in own documentation that any owner wishing to sell PV system **must give them first option to buy.**

28. The City Public Service Board (CPS Energy) or (CPS), is not regulated by the Texas Public Utility Commission regarding issues other than grid compliance. In Fact the only oversight of this entity is themselves. CPS's residential customers would be provided an opt-out alternative to keep their original electro-mechanical meter (existing meter option). Customers electing the opt-out option would be assessed both an initial charge and a monthly charge intended to cover the incremental system costs CPS would incur to provide and maintain the opt-out options. However should you have a solar producing system and wish to sell excess power to CPS the voluntary becomes mandatory with NO opt out option as plaintiff found out after receiving injury and filing the required opt out application which was denied and then told the meter at his residence was not a smart meter it was an OMR (off site meter reading capability meter) yet he was told numerous times that the meter had to be read physically by plugging into its interface every month and downloading the data when an employee would show up and plug directly into the meter. This is what alerted plaintiff that the meter had programming capabilities and as such could be set to exercise algorithms programmed to effect power readings. Occupant learned through the manufacturer's website that he did in fact have a Smart Meter and it was the Smartest on the market costing just over \$1,000.00 per unit which could be programmed and used to control other devices. The voluntary became mandatory with a **NO OPT OUT mandate from CPS.** (Exhibit C)

As provided under the following Texas state legislation;

A BILL TO BE ENTITLED

AN ACT

Relating to the authority of an electric customer to choose not to have a utility's advanced meter.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 39.107, Utilities Code, is amended by adding Subsections (k), (l), and (m) to read as follows:

(k) An electric utility or transmission and distribution utility that receives from the commission approval of the utility's plan for deploying advanced meters shall send by mail to each customer scheduled to receive an advanced meter under the plan a notice to inform the customer that the customer may decline to have the advanced meter installed and of the manner in which and date by which the customer must decline installation.

29. State Resentative, Jim Landtroop, forwarded an email from Gabriel Cardenas, Legislative Assistant, Governmental Relations Division, Public Utility Commission of Texas, who opened his email with this statement:

In 2005, the federal government passed legislation that quired states to

consider the adoption of advanced metering infrastructure (Energy Policy Act of 2005). That same year, the Texas Legislature adopted law that encouraged the deployment of new advanced metering technology.

30. The Public Utility Commission of Texas (PUC) then established standards for the features and deployment of the smart meters (PUC Substantive Rules 25.130.

Consider and encouraged does not mean mandatory.

31. Going to the URL provided by Mr. Cardenas, here, one sees this on page one for 25.130:

Deployment and use of advanced meters.

- (1) Deployment and use of AMS by an electric utility is voluntary unless otherwise ordered by the commission.

32. Plaintiff Michael Paul is permanently 100% physically disabled and receives Title II benefits from Health and Human Services Social Security Disability Benefits as Plaintiff had achieved the required 40 quarters to be entitled to all Social Security programs. As such plaintiff receives the lower of 140% below the Federal Poverty level due to \$0.00 earnings for the two years prior to his award for benefits even though he was receiving \$1043.00 monthly from Texas Workman's Compensation from an automobile accident while driving to Austin for a District managers meeting. Michael went from \$32,000.00 in annual pay as a Manager with Tandy Corporation to Less than \$10,000.00 on disability as he was told Workman's Comp is not earnings it is insurance and was to receive the lowest monthly payment available to a disabled person.

33. Since November 06, 2014 Occupant has been forced to live on limited electric power and at times no power at all. He has been forced to endure limited heating during the cold of winter or no heat at all. Occupant also suffered the loss of all refrigerated food stores in excess of \$350.00 January 18, 2015. All, due to electric utility service being disconnected by City of San Antonio as an act of retribution for his demanding the removal of Smart meters and when utility refused to comply replaced with NEW, INDUSTRY STANDARD, FACTORY PURCHASED, GENERAL ELECTRIC ANSI Analog meters. The City of San Antonio who is and was his electric service provider since the purchase of the property in 1972 was not owed money at time of disconnect when in fact Defendant owed the plaintiffs.

34. The Disconnection of service on November 06, 2014 is the culmination from the defendant's misrepresentation and outright fraud and deception used to unjustly enrich themselves(exhibit B), and caused the injuries and losses that are the subject of this instant claim. Paying plaintiff only 0.016 for sold power instead of the 9.7 which was current rate when plaintiff submitted initial application

36. Using SCADA and SMART meters through AMI to remotely turn off a 9360watt solar photovoltaic system's inverter in the mornings then remotely restarting in the late afternoons thus limited plaintiff's sold excess energy and his 18, 225amp hour 6 volt batteries would charge from utility power instead of their solar system forcing monetary charges to incur in favor of the utility company. (Exhibit D)

37. The energizing of the DC inverter at different hours of the night between 11:00 p.m. and as early as 4:00 am by passing grid power over the DC Bus making the system appear as if the sun was up and generating power except control module would show "BUYING" (Exhibit E), and there would be a screen showing power feeding from the grid into the batteries with the battery meter displaying them already at 100% state of charge (SOC) used to Balance the electric grid feeder by regulating reactive power which is measured in VAR's which generates an electromagnetic flux coupled with the RF Radiation that occupant was exposed to causing serious medical harm, hospitalizing him as the medical doctors feared he was suffering a heart attack.

38. Occupant Michael Paul had a major operation in 2006 which required the implantation of a titanium rod with multiple pins inserted in his right femur, as such he is considered a sensitive receptor and should not be exposed to electromagnetic fields or RF radiation.

39. With the installation of two digital SMART meters which defendant's stated would not be installed when confronted during a preplanning meeting in July of 2013 due to medical devices on premises, Plaintiff's did not want anyone to be able to shut off the power on their personal property remotely using smart meters and have no way to prevent that from happening which is what SMART meters are designed to do. Mr. Tod Deibel a senior engineer with CPS Energy's electric service and metering standards again assured the plaintiff, his brother the Administrator of the Trust, and their General Contractor Michael Higgins of Green Star Solutions, that would not happen and that there would be no SMART meters at the Plaintiff's residence.

40. By November Mr. Johnny H. Paul had purchased the equipment and contracted the installation of their OUTBACK POWER 48 volt 9,360 watt solar photovoltaic system (Exhibit F) at a cost of \$48,000 for occupant's use so he would not have any high electric bills needing to be paid from his meager Federal disability stipend of \$800 a month. The installation of 36, 260 watt SolorWorld PV Panels would generate on average, 1280 Kilo Amp Hours per month. (Exhibit G)

41. Upon release from the Hospital October 2, 2014 for EMF sickness, Plaintiff filed in state district court and served legal notice to CPS Energy and its officers on October 19, 2014 and effected service by County Sheriff to President of utility along with emailed copies to all members of the city council and the mayor's office document listed as "NOTICE" (See exhibit A) requesting the removal all SMART meters including the General Electric I210+C SMART meter. And to cure the defect along with a statement of consequences for disconnection of utility electric service as retaliation in the amount of \$100,000.00 for the act and \$10,000.00 per day of continued interruption of electric services to a disabled occupant which are required as a life necessity (Exhibit A) then given 72 hours to comply before occupant would be forced to remedy as occupant would be exercising his right to self defense and has committed no acts deserving of disconnection such as failure to pay for services.

42. On October 30th 2014 after allowing more than 72 hours for response to cure the defect and as such plaintiff has been requesting removal of smart meters since August plaintiff remedied the defect and exercised his right to self defense removing the SMART METERS. The process was video

recorded and photographic video evidence submitted to show no theft of service and the proper replacement as plaintiff had been a licensed electrician with the City of San Antonio's code compliance department when he used to work before his injury.

43. Remote operation of the solar PV system continued after a brief pause starting up again in December and continuing to the final day of operation on January 18, 2015 when system was finally put out of commission with the reprogramming of improper firmware code causing catastrophic failure of the system. (Exhibit C)

PRAYER

Plaintiff hereby requests this cause be set immediately for TRIAL. Michael T. Paul respectfully moves this Honorable COURT to grant this Motion for PRELIMINARY INJUNCTION and receive a judgment against City of San Antonio for all damages. Be awarded COSTS. and have such further and motioned relief both in law and in equity to which the COURT deems is entitled in this claim and is brought against the above listed participants for the stated preceded violations plus those that may be amended to this claim.

/S/ Michael T. Paul

210-294-4533

mtp7389@hotmail.com

DATE: March 05, 2015

9183 EASY STREET, San Antonio, TX 78266

Our complaint incorporates by reference the individual comments on the study as made available on the CCST website. Of particular note are comments from:

1. **Karl Maret, MD, BS** Electrical Engineering, a MS Biomedical Engineering, four year postdoctoral fellowship in physiology:

"The CCST report further states that, *"Without a clearer understanding of the biological mechanisms involved, identifying additional standards or evaluating the relative costs and benefits of those standards cannot be determined at this time."* I strongly disagree with this conclusion as there is now a large body of scientific literature describing several key mechanisms for the action of weak electromagnetic fields. These include, among others:

Removal of calcium ions bound to cellular membranes, leading to their weakened structure and changed cellular functioning

Change of calcium ion leading to changes in metabolic processes in cells. The leakage of calcium ions into neurons generating spurious action potentials, Fragmentation of DNA in cells seen through the Comet assay Changes in the blood-brain barrier in animals after microwave exposure Defined cellular stress response, including the production of heat shock proteins (HSP), that are triggered electromagnetically at non-thermal levels that require much less energy than when triggered by heat (so-called thermal considerations)

Activation of specific genes by exposure to non-thermal electromagnetic fields leading to gene transcription to form RNA,

All these biological effects are well substantiated in the scientific literature and occurred at much lower exposure levels than current FCC standards, but are minimized by the CCST report." (Dr. Karl Maret has also given one of the very best presentations on the science of smart meters. This presentation was broadcast September 15, 2010 by Santa Cruz County Community Television as part of their program "The Truth About Smart Meters" and can Be viewed online at:

[http://www.communitytv.org/programs/online/truth-about-smart-meters.](http://www.communitytv.org/programs/online/truth-about-smart-meters)

Maret's portion of the program begins at :22 minutes and ends at 1:26. Our complaint incorporates this program by reference.)

2. **David O. Carpenter MD** -University at Albany, State University of New York Institute for Health and the Environment and Department of Environmental Health Sciences School of Public Health (former Dean):

"The statement "*The scientific consensus is that body temperatures must increase at least 1°C to lead to potential biological impacts from the heat*" is totally wrong, and makes it obvious that no persons with medical or biological expertise participated in this report. Every enzyme system in the body is exquisitely sensitive to temperature, and increases activity by even a fraction of a degree increase in temperature. In fact all RF generates heat, and what is

defined as "non-thermal" is only a function of our ability to measure the temperature increase."

3. Magda Havas, BS, PhD

"I work with people who have become **electrically hypersensitive** (EHS) and I have received emails and phone calls from those who have had smart meters placed on their homes. They complain of ill health and many are unable to use the room closest to the smart meter. These individuals have no place to "hide" from the growing levels of electro smog especially in densely populated urban centers. Sickness contributes to time off work and away from school, growing medical costs and a general poorer quality of life. Children are particularly vulnerable as are pregnant women and those with compromised immune systems.

The presence of metal implants in the body (such as metal pins in bones) may concentrate the absorption of radiation at the location of implantation, inducing thermal effects from lower power densities than wouldn't ordinarily cause such harm (Massey 1979).

Some implants, such as pace makers and deep brain stimulators for Parkinson's disease, may malfunction and this can be fatal. In Switzerland about 5% of the population has EHS. If the same fraction of the population has EHS in the US that would come to a staggering 15 million people!"

4. L. Lloyd Morgan-Senior Research Fellow, Environmental Health Trust "In the absence of information, and in the presence of a multitude of reports of ill health, incorrect meter readings,

electromagnetic interference (EMI) to other electrical equipment (and possibly EMI from other equipment to the smart meter itself),

5. Daniel Hirsch-nuclear policy expert

"When two of the most central errors are corrected – the failure to take into account duty cycles of cellphones and microwave ovens and the failure to utilize the same units (they should compare everything in terms of average whole body exposure) **the cumulative whole body exposure from a Smart Meter at 3 feet appears to be approximately two order of magnitude higher than that of a cell phone, rather than two orders of magnitude lower.**" (his emphasis).

On February 3, 2011 the prestigious Karolinska Institutet in Sweden issued a press release entitled:

Scientists Urge Halt of Wireless Rollout and Call for New Safety Standards:

Warning Issued on Risks to Children and Pregnant Women

"Scientists who study radiofrequency radiation from wireless technologies have issued a scientific statement warning that exposures may be harming the development of children at levels now commonly found in the environment. Pregnant women are cautioned to avoid using wireless devices themselves and distance themselves from other users.

*The **Seletun Scientific Statement** has now been published in Reviews on Environmental Health (2010;25: 307-317). The article*

recommends that lower limits be established for electromagnetic fields and wireless exposures, based on scientific studies reporting

crucial to guide new technology development toward solutions that are not harmful to health. The global rollout of wireless technologies has outpaced both health studies and calls for more restrictive public safety limits."

In the full **Selentun Scientific Statement**, two recommendations include:

1. *The Panel recommends against the use of cordless phones (DECT phones) and other wireless devices, toys and baby monitors, wireless internet, wireless security systems, and wireless power transmitters in Smart Grid-type connections that may produce unnecessary and potentially harmful EMF exposures.*
2. *The Panel strongly discourages the technology that allows one mobile (cell) phone to act as a repeater for other phones within the general area. This can increase exposures to EMF that are unknown to the person whose phone is piggy-backed upon without their knowledge or permission."*

(Substitute smart meters for mobile phones in this statement and the same thing applies)

Therefore as the below cited referenced scientific material not only confirms but acknowledges the relationship between EMR/EMF/EMI and medical sickness

/S/ Michael Thomas Paul

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